

August 5, 2009

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, August 5, 2009 in the Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Chairperson Weideman.

**3. ROLL CALL**

Present: Commissioners Browning, Busch, Gibson, Horwich, Skoll, Uchima and Chairperson Weideman.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Gomez, Plans Examiner Noh, Associate Civil Engineer Symons, Deputy City Attorney Sullivan and Fire Marshal Kazandjian.

**4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, July 30, 2009.

**5. APPROVAL OF MINUTES**

The following addition was made to the June 17, 2009 minutes under Agenda Item 11C: Torrance Memorial: "Commissioner Busch related his belief that when this project is done it will be the crown jewel of health care in the South Bay."

**MOTION:** Commissioner Horwich moved for the approval of the June 17, 2009 Planning Commission minutes as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote, with Commissioners Browning and Uchima abstaining.

**MOTION:** Commissioner Browning moved for the approval of the July 8, 2009 Planning Commission minutes as submitted. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote

**6. REQUESTS FOR POSTPONEMENTS - None.**

**7. ORAL COMMUNICATIONS #1 – None.**

Chairperson Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

**8. TIME EXTENSIONS**

**8A. MIS09-00213 (DIV06-00016): PENCO ENGINEERING (AMSTAR GROUP LLC)**

Planning Commission consideration for approval of a one-year Time Extension of a previously approved Division of Lot (DIV06-00016) for the subdivision of one existing lot into three on property located in the M-2 Zone at 21081 Western Avenue.

**Recommendation**

Approval.

Planning Associate Gomez introduced the request.

Bill Dingfelder, property manager for Amstar Group LLC, explained that the extension is necessary because the project has been delayed due to the current economic climate. He related his understanding that the applicant does intend to go forward with the project, which would allow the three lots to be sold separately, because a significant amount of money has already been spent on it.

**MOTION:** Commissioner Horwich moved for the approval of MIS09-000213 as conditioned. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 09-036.

**MOTION:** Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 09-036. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

**9. CONTINUED HEARINGS – None.**

**10. WAIVERS**

**10A. WAV09-00008: RIAD ITANI (THE LODHIE FAMILY)**

Planning Commission consideration for approval of a Waiver to allow less than the required side yard setback in conjunction with the expansion of an existing garage on property located in the R-1 Zone at 2053 Middlebrook Road.

**Recommendation**

Approval.

Planning Associate Gomez introduced the request and noted supplemental material available at the meeting consisting of revised plans showing existing walls that were inadvertently omitted.

Riad Itani, project architect, voiced his agreement with the recommended conditions of approval. He explained that when the applicant purchased this property, there was un-permitted construction connecting the detached guest house with the main house; that in order to legalize it, the garage must be expanded from a one-car garage to a two-car garage; and that the only way to do so is to encroach into the required side-yard setback. He reported that the neighbor at 2059 Middlebrook has expressed concerns about the close proximity of the garage to his bedroom and in order to address these concerns, he has offered to eliminate the window on the garage wall facing this neighbor's property, to construct the roof flush with garage wall so the eaves do not intrude further into the setback, and to add insulation to buffer noise from the garage.

Commissioner Busch related his understanding that the property owner would have been informed about the un-permitted construction by his real estate agent prior to purchasing the property.

Mr. Itani stated that the property owner was not present at the meeting so he could not confirm this.

Commissioner Skoll, echoed by Commissioner Browning, expressed concerns about the lack of adequate access for the fire department since there would only be a one-foot setback on the west side of the property due to the expanded garage.

After reviewing the plans, Fire Marshal Kazandjian reported that there is a five-foot gate on the east side, which would provide for adequate access. He noted that it's not uncommon for residences to have a gate on only one side of the property with the other side walled off.

Commissioner Browning indicated that he was still concerned about access because firefighters have the ability to scale the wall to gain access when the required five-foot side-yard setback is provided even if there is no gate and he had reservations about creating a situation where there would be no opportunity to do so.

Chairperson Weideman asked about the consequences should the Waiver not be approved.

Planning Manager Lodan advised that the un-permitted structure connecting the main house to the detached guest house would have to be removed leaving two units and a single-car garage on this property and that staff believed connecting the structures, thereby allowing the guest house to be used as a master bedroom was more in keeping with the single-family nature of this neighborhood.

Carlos Perez, 2059 Middlebrook Road, voiced objections to the project, noting that this would be the second structure on this site that does not conform to current setback requirements. He reported that both of his bedrooms are directly adjacent to the proposed garage and every time the garage door is opened or closed, he will be able to hear it. He explained that he purchased a single-family home instead of a condominium or townhouse because he wanted to have some space between him and his neighbors and this expanded garage would take that away from him. He stated that he has never met the property owner and suspects that the remodeled house will be used as a rental.

Commissioner Uchima stated that he visited the site and shared Commissioner Browning's concerns about access in the event of an emergency. He related his observation that having the garage so close to Mr. Perez's home could create privacy impacts as well as block sunlight from his property.

Commissioner Busch noted that a condition has been included requiring that the westerly wall of the garage be constructed using acoustical batt insulation and a PVC vinyl barrier to block sound from transmitting through the walls (Condition No. 4) and questioned whether that would be enough to block noise from a motorcycle or car engine from a residence that is only a few feet away.

Plans Examiner Noh stated that he could not say whether or not it would be adequate without an acoustical report.

Commissioner Gibson noted that the staff report mentions that the un-permitted construction included a large chimney built on the property line and questioned whether it has been removed.

Planning Manager Lodan reported that the chimney and approximately 150 square feet of un-permitted space have been removed from the property.

Commissioner Gibson questioned whether a permit was obtained for the demolition, and Planning Manager Lodan indicated that he did not have that information available.

Gary Keller, 25421 Cypress Street, Lomita, stated that he was hired by the owner of the property to bring the property up to Code; that he met with Code Enforcement Officer Dean Martin to find out what was permitted and what was not; and that Mr. Martin told him to tear down everything that was not permitted and to call him when he was done. He reported that the demolition included the fireplace built in 1959 and a patio structure connecting the main house with the guest house in the back and he was not informed that a demolition permit was needed. He stated that the property was being renovated for the property owner's son and would not be used as a rental.

Commissioner Browning questioned whether an asbestos check was done prior to demolition, and Mr. Keller reported that none of the materials involved contained asbestos.

In response to Commissioner Gibson's inquiry, Plans Examiner Noh advised that permits are required when structures are demolished, however, in some cases, Code Enforcement Officer Dean Martin has made other arrangements with people who have un-permitted structures in order to gain compliance.

Tom May, 2021 Kathy Way, disclosed that he is Mr. Perez's father-in-law and a former builder with knowledge of properties in the area. He related his understanding that Code Enforcement Officer Martin was aware of un-permitted structures on the property before it was purchased and real estate agents also were aware of this fact. He maintained that the detached guest house in the back was originally the garage for this property and suggested that changing it back to a garage and converting the existing garage to living space would be the best way to resolve this matter. He voiced

objections to allowing the applicant to build another structure on this site only one-foot from the property line.

Chairperson Weideman noted that according to the staff report, a permit was issued in 1957 for a detached guest house.

Planning Manager Lodan advised that it's possible that the structure was originally a garage and converted to a guest house in 1957, with a new one-car garage built on the front of the property.

Roy Senter, 2050 Middlebrook Road, reported that the previous owner did much of the illegal construction on this property and the new owner was aware of the problems when he purchased it. He stated that the new owner told him that the property will be a rental and suggested that the owner did not appear at this hearing because he did not want to answer Commissioners' questions. He contended that the contractor knew that a permit was required for the demolition, but failed to obtain one and that some of the chimney still remains. He expressed concerns about the impact on Mr. Perez's property, pointing out that even though the garage wall on the applicant's property must be fire-rated, the adjacent wall on Mr. Perez's property does not have this protection.

In response to Commissioner Busch's inquiry, Deputy City Attorney Sullivan advised that the property owner is not required to appear before the Commission and may designate someone to appear on his behalf.

Commissioner Busch indicated that he favored continuing the hearing because he felt the project needs to be redesigned.

Mr. Itani wanted to clarify that the only illegal structure on the property at this time is the family room connecting the main house with the guest house and it is 10-12 feet away from the property line. He reported that he personally read the 1957 building permit and it specifically states that it is for a guest house and a future one-car garage.

Commissioner Browning, echoed by Commissioner Uchima, stated that he would not support the project as proposed and suggested that Mr. Itani may wish to request a continuance.

A brief discussion ensued, and Mr. Itani agreed to continue the hearing indefinitely.

**MOTION:** Commissioner Busch moved to continue the hearing indefinitely. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

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The Commission recessed from 8:15 p.m. to 8:25 p.m.

## **11. FORMAL HEARINGS**

**11A. CUP09-00005, VAR09-00002, WAV09-00006 (EAS09-00002): ION CRETU (SAINTS ARCHANGELS MICHAEL & GABRIEL ROMANIAN ORTHODOX CHURCH)**

Planning Commission consideration for the adoption of a Negative Declaration in conjunction with a request for approval of a Conditional Use Permit to allow the construction of an existing church facility, a Variance to allow less than the required lot size and parking requirements, and a Waiver of the side and rear yard setback requirements on property located in the R-2 Zone at 4102 Hickman Drive.

**Recommendation**

Denial without prejudice.

Planning Associate Gomez introduced the request.

Ion Cretu, representing Saints Archangels Michael & Gabriel Romanian Orthodox Church, reported that the congregation is small, with 40-45 members attending Sunday services and the proposed project will provide auxiliary space and improve the flow of parking. He related his belief that the criteria for granting the Variance and Waiver have been met because: 1) There are practical difficulties and unnecessary hardships that would result from the strict enforcement of parking standards and setback requirements because the small lot size does not allow for compliance; 2) The project would not be materially detrimental to the public welfare or to other properties in the vicinity because it will be consistent with other nearby structures and will be screened by trees; and 3) It will not substantially interfere with the orderly development of the City because there will be no change in the services/programs offered by the church and no increase in the size of the congregation. He explained that the proposed reconfiguration of the parking lot would be an improvement over existing conditions, even though there would be a slight deficit in backup space, because it would allow for two-way traffic. He stated that many church members are elderly so they carpool or take public transportation to church services therefore the limited parking is not a problem. He requested that the Commission approve the project as proposed.

Commissioner Skoll noted that according to Item 15f of the Initial Study (page 46) staff determined that the project would not result in inadequate parking capacity.

Planning Manager Lodan advised that staff does not believe the project would result in inadequate parking capacity in terms of CEQA (California Environmental Quality Act) guidelines. He explained that the project meets City parking requirements for fixed seating (1 space for every 5 seats = 14 required spaces), however, it is subject to more restrictive requirements based on assembly area (1 space for each 35 square feet of assembly area = 32 required spaces).

Commissioner Busch commented on the church's attractive exterior, noting that he was not able to go inside.

In response to Commissioner Skoll's inquiry, Mr. Cretu confirmed that the church was prepared financially to go forward with the project and comply with all the recommended conditions should it be approved.

Mr. Cretu requested additional information about the Code requirement which states that children are not allowed above the ground floor for classroom/school purposes, and Plans Examiner Noh suggested that Mr. Cretu visit the Building and Safety department so he could review the specific Building Code section with him.

Commissioner Gibson noted that Condition No. 5 prohibits the operation of a primary school or daycare facility at this location and Planning Manager Lodan clarified that this prohibition does not pertain to Sunday school classes.

Chairperson Weideman invited public comment on Initial Study EAS09-00002.

As no one came forward to speak, Commissioner Busch offered the following motion.

**MOTION:** Commissioner Busch moved to adopt a Negative Declaration with regard to EAS09-00002. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Chairperson Weideman invited public comment on the project.

Ecaterina Chirica, parish council president of Saints Archangels Michael & Gabriel Romanian Orthodox Church, shared renderings of the project, noting that windows have been positioned so as not to intrude on neighbors' privacy and trees will be planted to provide additional screening. Submitting a drawing to illustrate, she requested that parking requirements be re-calculated eliminating the floor area in front of the altar because this area is consecrated and only walked on when parishioners are receiving sacraments.

Planning Manager Lodan offered to re-calculate the parking requirements based on the information submitted by Ms. Chirica. He later advised that the parking requirements would be reduced from 32 spaces to 24 spaces.

Nicolae Rusu, 5230 Cahuenga Boulevard, North Hollywood, explained that church members have invested a lot of time and money to improve the church and the proposed project will provide needed space for them to study the bible, hold social gatherings, and conduct small conferences. He urged the Commission to approve the project.

Georgeta Bostean, 11982 Heritage Circle, Downey, provided background information about the heritage of Romanians. She reported that following a brief discussion, church members have agreed to relocate all children's activities to the ground floor administrative office and move this function upstairs in order to comply with Code requirements. She noted that many church members were present at this meeting to support the project, however, they would forego testifying due to the lateness of the hour and asked that the Commission simply acknowledge their presence.

Chairperson Weideman asked for a show of hands of those who support the project but would not be speaking.

Commissioner Uchima questioned how many children are in the congregation, and Ms. Bostean stated that there are approximately 10-15 children, but only a handful of them are present at Sunday services.

Commissioner Uchima noted that the plans indicate a nursery on the second floor. Ms. Bostean reported that there was no intention to have a nursery and the area had probably been mislabeled.

Commissioner Browning disclosed that he is of Romanian descent but is not a member of this church and his vote would not be influenced by his background.

Fire Marshal Kazandjian related his preference to have revised plans submitted if the church no longer intends to have facilities for children on the second floor.

Cathy Griffin, 18010 Bailey Drive, stated that she appreciates the exterior improvements that have been made to the church and requested clarification of the location of the north-facing windows to ensure that there would be no privacy impact.

Referring to rendering 4B submitted by the applicant, Commissioner Uchima noted that it appears that north-facing windows in the addition would be blocked by the church's steeples.

Planning Manager Lodan advised that the north-facing windows are only 18 inches wide by 42 inches high, so they are fairly small.

Denney Thomas reported that his family has owned the property at 4105 W. 182<sup>nd</sup> Street for many years and the City thwarted attempts to develop it and questioned why this church was ever approved. He voiced his opinion that the church was trying to cram too much on this property and related his belief that the land was more suitable for condominiums and someone should develop it rather than adding additional space to a church that shouldn't be there in the first place.

Chairperson Weideman noted that the church has been at this location for over 50 years and probably would not have to build on stilts if Mr. Thomas would allow church members to park on his vacant property.

Mr. Thomas reiterated his belief that this land was more suitable for condominiums, which would generate revenue for the City of Torrance.

Commissioner Busch noted that houses of worship are a vital part of every community.

Vasile Tudoran, 819 Ohio Avenue, Long Beach, suggested that Commissioners and/or Planning staff should make a visit to the church on a Sunday because they would see that very few people attend the services and most of them are elderly. He explained that following the services, church members share a meal as this is part of their culture and they currently have no designated area to do this. He expressed the church's willingness to do whatever the City requires in order to get the project approved.



Chairperson Weideman echoed comments on the church's attractive exterior, noting that he and his wife have lived in North Torrance for 27 years and they were not aware of the church prior to this case.

Commissioner Busch questioned whether staff would be comfortable should the Commission decide to approve the Variance for parking requirements or if they felt it would create an unsafe situation.

Planning Manager Lodan advised that staff recommended denial of the Variance because they are concerned that the parking arrangement would be problematic and believe it would function better if Code requirements were met.

In response to Commissioner Gibson's inquiry, Planning Manager Lodan confirmed that the City Council makes the final decision on any Variance and the Planning Commission's action would be in the form of a recommendation.

Commissioner Browning indicated that he could not support the project as proposed due to the parking deficiency and felt the project needed to be redesigned with the assistance of Community Development staff.

Commissioner Busch stated that he understood the church's need for more space and would like to support the project, but could not do so as currently designed.

Commissioner Uchima stated that he had serious reservations about the parking arrangement and suggested the possibility that the church could lease space from a nearby property owner to provide more parking.

Lisa Knight, 2131 W. 236<sup>th</sup> Place, urged approval of the project. She reported that she and her husband have attended the church for the past year and observed that church gatherings are small, quiet and respectful of surrounding residents and the neighborhood.

Carmen Corbei, 4026 Hickman Drive, stated that she has two units on her lot with ample parking and church members were welcome to park on her property.

In response to Commissioner Uchima's inquiry, Planning Manager Lodan advised that while residential neighbors may allow church members to park on their property, it would not count toward parking requirements. He clarified that the church could enter into a shared-parking agreement with a commercial property owner but it would have to be within 150 feet of the site.

Commissioner Horwich stated that he didn't think anything would be accomplished by continuing the hearing since the project must be approved by the City Council and it takes at least six weeks to be placed on the Council agenda, which should be more than enough time for the church to revise the project.

Commissioner Busch indicated that he favored a continuance because he felt that an applicant should make a good faith effort at the Planning Commission level and he believed it would be better for the church to have the Planning Commission's approval when the project is forwarded to the City Council.

Commissioner Skoll noted his concurrence with Commissioner Busch's remarks.

Commissioner Browning related his belief that the Commission would be shirking its responsibility by forwarding the project to the City Council without making an effort to resolve this matter.

Agnes Vassiliou, 4113 W. 180<sup>th</sup> Street, stated that she is not a member of the church but has visited it and observed that it has a very small congregation. She reported that parking has never been a problem in this area and offered to let the church use her parking if the City would allow it. She voiced her opinion that the church is an asset to the community and everything possible should be done to help them get the space they need.

Mihaela Florescu, Redondo Beach, reported that she is a member of the church but does not attend every week and stressed the need for additional space.

Mr. Cretu stated that he was not opposed to working with staff, but reiterated his position that the proposed parking arrangement was an improvement over the existing arrangement even though it is not ideal and reported that it was unlikely that the church would be able to secure off-site parking within 150 feet. He noted that the church has been at this location since 1995 and no one has ever complained about it.

In response to Commissioner Horwich's inquiry, Planning Manager Lodan provided clarification regarding the minimum lot area requirement for churches.

Mr. Cretu agreed to continue the hearing to a date uncertain.

**MOTION:** Commissioner Busch moved to continue the hearing indefinitely. The motion was seconded by Commissioner Uchima and passed by a 5-2 roll call vote, with Commissioners Gibson and Horwich dissenting.

- 12. **RESOLUTIONS** – None.
- 13. **PUBLIC WORKSHOP ITEMS** – None.
- 14. **MISCELLANEOUS ITEMS** – None.
- 15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.
- 16. **LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the August 19, 2009 Planning Commission meeting.

17. **ORAL COMMUNICATIONS #2**

**17A.** Commissioner Horwich commended Chairperson Weideman for doing a very good job of controlling a difficult meeting.

**17B.** Chairperson Weideman reported that he visited the Community Development Department's new website as listed on public notice signs, but was unable to access the staff report for projects.

Planning Manager Lodan advised that staff was still working on this aspect of the website.

**17C.** Commissioner Browning noted that the rear door of Council Chambers is very hard to operate and requested that staff look into having it repaired.

**17D.** Commissioner Browning stated that he received notice via the Internet that a General Plan meeting is scheduled for October 14, 2009 and questioned why the Planning Commission was not involved in the selection of this date, noting that he will be out of the country.

Planning Manager Lodan reported that the General Plan team had a number of factors to consider in selecting the date including mandatory review periods and noticing requirements and the fact that the consultant's contract expires at the end of November and the City would like to complete the process without having to extend the contract again.

A brief discussion ensued, and it was the consensus of the Commission to ask staff to explore alternate dates so that the full Commission could be present for the meeting.

**17E.** Commissioner Skoll noted that there was mention at last night's City Council meeting that Palos Verdes Bowl was going to be demolished.

Planning Manager Lodan stated no applications have been received for the bowling alley property although the owner continues to explore different options for the property.

**17F.** Commissioner Skoll asked about the proposed project behind Costco.

Planning Manager Lodan reported that EIR was nearing completion and the project could be brought to the Commission by early October.

**18. ADJOURNMENT**

At 10:35 p.m., the meeting was adjourned to Wednesday, August 19, 2009 at 7:00 p.m.

Approved as Submitted September 16, 2009 s/ Sue Herbers, City Clerk
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